

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

GEORGIANNA PARISI,	:	
	:	
Plaintiff,	:	Case No. 3:20-cv-00051
	:	
v.	:	
	:	Judge Thomas M. Rose
COMMISSIONER OF SOCIAL SECURITY,	:	
	:	
Defendant.	:	

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**ENTRY AND ORDER OVERRULING OBJECTIONS (DOC. NO. 16);  
ADOPTING REPORT AND RECOMMENDATIONS (DOC. NO. 15);  
VACATING THE ADMINISTRATIVE LAW JUDGE’S NON-DISABILITY  
DECISION; REMANDING THE MATTER TO THE SOCIAL SECURITY  
ADMINISTRATION UNDER THE FOURTH SENTENCE OF 42 U.S.C. § 405(g)  
FOR PROCEEDINGS CONSISTENT WITH THIS DECISION; AND  
TERMINATING THIS CASE**

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This Social Security disability benefits appeal is before the Court on the Objections (Doc. No. 16) filed by the Commissioner of Social Security (“Commissioner”) to Magistrate Judge Sharon L. Ovington’s Report and Recommendations (Doc. No. 15). Magistrate Judge Ovington recommended that the Administrative Law Judge’s non-disability decision be vacated, with no finding made as to whether Plaintiff Georgianna I. Parisi (“Parisi”) was under a “disability” within the meaning of the Social Security Act. (Doc. No. 15 at PageID 923.) Magistrate Judge Ovington further recommended that this matter be remanded to the Social Security Administration under sentence four of 42 U.S.C. § 405(g) for further consideration consistent with her Report and Recommendations. (*Id.*) The Commissioner filed Objections to the Report and Recommendations (Doc. No. 16), and Parisi filed a Response to those Objections (Doc. No. 17). This matter is ripe for review and decision.

As required by 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72(b), the Court has made a *de novo* review of the record in this case. Upon said review, the Court finds that the Commissioner's Objections (Doc. No. 16) are not well-taken and are hereby **OVERRULED**. The Court highlights that it disagrees with the Commissioner's assertion that "[t]he [R]eport and [R]ecommendation[s] applied an articulation standard at Step Three of the sequential evaluation that has been rejected by the Sixth Circuit and reached a conclusion that is inconsistent with this circuit's case law." (Doc. No. 16 at PageID 925.) The Commissioner fails to show how the Report and Recommendations applied a standard that the Sixth Circuit Court of Appeals has rejected. Additionally, the Court reviewed the opinions cited in the Objections and finds no improper application of law in the Report and Recommendations or conclusion that is inconsistent with the circuit's case law. (*Id.* at PageID 926, 928.) Further, the particular circumstances of this case that lead to the conclusion in the Report and Recommendations are distinguishable from those presented in the Commissioner's cited cases. (*See* Doc. No. 16; Doc. No. 15 at PageID 918-21.)

The Court **ADOPTS**, in full, the Report and Recommendations (Doc. No. 15) and rules as follows:

1. The Administrative Law Judge's non-disability decision is **VACATED**;
2. No finding is made as to whether Plaintiff Georgianna I. Parisi was under a "disability" within the meaning of the Social Security Act;
3. This matter is **REMANDED** to the Social Security Administration under the Fourth Sentence of 42 U.S.C. § 405(g) for further proceedings consistent with this Order and with the Report and Recommendations; and
4. This case is **TERMINATED** on the docket of this Court.

**DONE** and **ORDERED** in Dayton, Ohio, this Tuesday, May 18, 2021.

s/Thomas M. Rose

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THOMAS M. ROSE  
UNITED STATES DISTRICT JUDGE